IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13865 of 2004

Between:

B. Yadagiri Goud, S/o. Rajaiah Goud,
R/o. 16-2-136, Asmanghad, Hyderabad.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Ranga Reddy District.
2 The Motor Vehicle Inspector, Medchal (OU) Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly writ of mandamus declaring the action of the respondents in seizing the Tractor Trailor bearing No. APL 7155 seized under check report No. 1376650, dt. 29-10-2003 pending enquiry without following due process of law as arbitrary, illegal and direct the Respondents to release the Tractor Trailor bearing No. APL 7155 seized under check report No. 1376650, dt. 29-10-2003, pending enquiry in the interest of justice

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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ORDER:

Petitioner is the owner of a Tractor and Trailor bearing No.APL 7155. While the driver was taking the vehicle for repairing at Bandlaguda main road, the second respondent conducted a check, issued check report No.1376650 dated 29.10.2003 and seized the vehicle, pending enquiry. The seizure of the vehicle was effected on the ground that R.C, book, Tax receipt and driving licence were not produced.

The petitioner produced Registration Certificate before this Court. The petitioner stated that the said document could not be produced before the second respondent at the time of the check and subsequently, they were produced before the first respondent. The second respondent did not look into the document and release the vehicle pending enquiry.

Under these circumstances, the petitioner is directed to produce the said document and other documents, if any, relating to the vehicle before the first respondent, who shall verify the documents and on condition of payment of the tax, shall release the vehicle for the interim custody of the petitioner pending enquiry into the matter. The petitioner shall not transfer or sell the vehicle to others and shall not change the parts of the vehicle during pendency of the enquiry before the first respondent.

Writ petition is accordingly disposed of. No order as to costs.

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G.YETHIRAJULU

16-08-2004

KLP

To

1 The Secretary, Regional Transport Authority, Ranga Reddy District.
2 The Motor Vehicle Inspector, Medchal (OU) Ranga Reddy District.

3 2CCs to G.P. for Transport, High Court buildings, Hyderabad.(OUT)

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